Mr. President.—The question is that clause 1 stand part of the Bill.

PRELIMINARY.

1. (1) This Regulation may be called the Cochin Patents and Designs Regulation .....

Short title, extent and commencement.

(2) It extends to the whole of Cochin; and

(3) It shall come into force on.....

Clause put and carried.

Mr. President.—The question is that the title and preamble stand part of the Bill:

The Cochin Patents and Designs Bill.

Whereas it is expedient to amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

Preamble.

Title and preamble put and carried.

Mr. Thomas Manjuran.—I rise to move that the Cochin Patents and Designs Bill may be taken up and passed day after tomorrow.

Motion put and carried.

The House rose for lunch at 12-50 p. m. and re-assembled at 2-15 p. m. with the Panel Chairman (M. R. Ry., P. C. Varkey Avl.) in the Chair.

Resolutions (contd.)

22. Exemption of line boats from payment of landing dues to the Municipalities.

Mr. George Parakkal.—"*This Council recommends to the Government that the line boats licensed in the State be exempted from payment of landing dues to the Municipalities and other private agencies for landing or mooring at jetties prescribed by Government.*"

By this resolution, I bring to the notice of the House the very hard lot to which the boat owners are put to. Now, they give license fees twice a year and inspection fees also. As a matter of fact, the line boat owners are not making any profit from running the boats. There are jetties at Ernakulam and

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Cochin. If they touch these jetties they have to pay dues to the municipalities but according to the Canal Regulation they are asked and allowed to touch Cochin and Ernakulam. When the Canal Regulation provides that they can touch Cochin and Ernakulam and when license fees are levied from them, it is the duty of the Government to see that they are provided with proper jetties without making them liable to pay dues to the Municipalities. The Cochin jetty was some years ago in the hands of the Engineering Department, but unfortunately some two years ago it was handed over to the municipality and there all boats touching have to pay about 4 annas. In these hard days when the line boats are not making any profit, it is a source of great pain to the boat owners that they have daily to give 4 annas at Cochin and 4 annas at Ernakulam. Therefore, in the interests of these boat owners if the jetties are in the ownership of the Municipalities, the Government will do well to the boat owners if they acquire sites for the jetties so that the boat owners need not pay anything to the municipalities.

Mr. M. V. Cherian.—I second this resolution. Now the Hon'ble Member has expressed that boats have to pay 4 annas at Mattancherri and Ernakulam. But to the best of my information, there is some distinction. The boat owners have to pay only 2 annas here and at Mattancherry they have to pay 4 annas. I do not know why this invidious distinction is made between the boats touching Ernakulam and Mattancherry. In these hard days when they are being burdened by license fees twice a year and in view of the depression in traffic, it would be advisable that the Government take some measures by which they can eradicate this taxation. Now, practically the Municipalities are not doing anything in respect of the jetties. The Government have done all the necessary things, so far as the jetties are concerned and I do not know why the Municipalities tax these boat-owners for doing nothing. They do not spend a pie on the boat-owner and taxation without any commensurate remuneration in the shape of expenditure and for the improvement of the jetties is rather improper. Therefore, I support this Resolution.

Mr. A. Narayana Menon.—I am not entirely supporting this resolution. I have to say a few words with regard to this resolution. With regard to the right of collecting landing dues, I have had occasion to gain some knowledge in connection with some cases that I have had opportunities to conduct. By an order of the Government the area where these boats now touch were

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taken over by the Government from the possession of the Mattancherry Municipality. In the order that was published in Chingam 1103, it is not stated that there is any outstanding right for the Municipality to collect landing dues. It is absolutely unconditional. It appears that on seeing this notification, Mr. Seethi who was formerly a member of this Council put in a petition before the Government that the Municipality should not be allowed to collect landing dues. In an order rejecting the petition issued to Mr. Seethi and in its copy forwarded to the Municipality it was stated that the existing right of the Municipality to collect landing dues would not in any way be affected by the assumption. The assumption was under section 24 of the Municipal Regulation and according to that section, assumptions of this nature should be absolute and unconditional. There has been a ruling of the Chief Court of Cochin recently on this subject; there the judges say that the Municipalities are perfectly within their rights to collect landing dues. So long as that stands the above contention may not be found sound. If we go by the wording of the order issued to Mr. Seethi, it would be seen that the right that the Municipality possessed at the time of the assumption, alone was kept intact. What we find is that till Chingam 1103 the Municipality was not collecting landing dues on motor boats. Without referring the matter to the Municipal council or placing it before the public for criticism the Mattancherry Municipality is now collecting 4 annas per boat. The boat owners are aggrieved by this. With regard to Ernakulam also the case is similar. The places where these boats touch are even now under the ownership, possession and control of the Government. They do not even repair the jetties. That being the case, how they are allowed to collect landing dues is a matter which I cannot understand. Under the rules promulgated under the Canal Regulation the boats that leave Ernakulam are compelled to touch Mattancherry for taking passengers; when the boat is compelled under an enactment to do a particular thing to penalise that by any taxation is, I submit, not equitable or just. That being the case, I submit that if a boat leaves Ernakulam, the Mattancherry Municipality should not be allowed to collect landing dues. Similarly, if a boat leaves Mattancherry, no landing dues should be collected at Ernakulam. That is but fair and I submit that the Government will be pleased to issue an order to the effect that on the same day tolls should not be collected by both the Municipalities from one and the same boat. These are the only observations that I have to make.

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Mr. A. V. Moothedan.—On a point of information, what is the annual income derived by the Municipalities ?

Mr. V. K. Aravindaksha Menon.—The Mattancherri muncipality gets an income of Rs. 4000 but I cannot say now what the income of the Ernakulam municipality is from this source.

First of all I wish to make it clear that the dues collected by these municipalities on boats which touch the shores of Ernakulam and Mattancherri are perfectly legal. According to the Municipal Regulation, they are entitled to collect dues for all boats that touch their shores and the municipalities justify this levy on the argument that they have to incur expenditure for affording facilities to the people who visit the towns. As the members are aware, the Municipalities have to attend to works of sanitation, water works, roads lighting etc., and funds for carrying out these works have to be collected from persons who are duly benefitted by the existence of such well ordered towns. This question has further been discussed in this Council many times before and Government have always recorded that under the present Municipal Regulation it would not be possible for them to exempt these boats from paying their legitimate dues to the municipality. Under these circumstances I have to oppose this resolution.

Mr. George Parakkal.—May I know whether it would be possible for the Government to acquire some portion on the foreshore and put up their own jetties?

Mr. V. K. Aravindaksha Menon.—As I have already mentioned, it is not to recoup the expenditure in constructing a Jetty that these landing dues are collected. It is to compensate the Municipalities for the expenditure they have to incur to provide the necessary conveniences in the town. It is for this convenience afforded to the public that this tax is levied and is similar to the levy of tolls for the use of roads in the municipality.

Mr. A. V. Moothedan.—Is there any difference in the rate of landing dues?

Mr. V. K. Aravindaksha Menon.—In Mattancherri it is 4 annas per boat and in Ernakulam it is 2 annas. These charges are fixed at the discretion of the Municipal Council, and are liable to be altered from time to time.

Mr. George Parakkal.—May I know, Sir, whether Government will take early steps to amend the Municipal law

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so that the boats may be exempt from these dues, in view of the hardship they are put to at present?

Mr. V. K. Aravindaksha Menon.—On account of the great responsibilities which rest on them, the Municipalities would object to any reduction in their income.

Mr. George Parakkal.—My question is more for the Government than for the Member for Engineering and my question is whether the Government will be prepared to amend the municipal law.

Mr. V. K. Aravindaksha Menon.—I was saying on behalf of the Government.

Mr. George Parakkal.—In this Council, situated as at present, I dare not press this resolution. The boat owners are not making any profits out of their running and all these boat owners are on the verge of ruin. Government also encouraged a union of the boat owners to avert further losses to them. But in this instance I am sorry that the Government are not prepared to amend the Municipal law so that these boat owners will be relieved of their distress. As the Council consists of not many members, I beg leave of the house to withdraw the motion.

Resolution was, by leave, withdrawn.

23. Declaration of the Samadhi day of Thunchath Ezhuthachan as a Public holiday.

Mr. A. Narayana Menon.—"*This Council recommends to the Government of Cochin to declare the Uthram star day in the month of Dhanu, every Malayalam year, a public holiday being the Samadhi day of Thunchath Ezhuthachan to enable Hindus to observe and celebrate the Thunchath Acharya Jayanthi on that day.*"

സർ, കേരളമൊട്ടുക്ക് ആദ്ധ്യാത്മീക ജീവിതത്തിൽ ആരെങ്കിലും ഒരാൾ എന്തെങ്കിലുമൊന്നു ചെയ്തിട്ടുണ്ടെങ്കിൽ അത് തീർച്ചയായും തുഞ്ചത്തെഴുത്തച്ഛനാണ്. പ്രഥമസ്ഥാനം അദ്ദേഹത്തിനുതന്നെയാണ്. അദ്ദേഹത്തിന്റെ പേര് നിലനിർത്തുവാനും അദ്ദേഹത്തിന്റെ സ്മാരകദിവസം വേണ്ടവിധത്തിൽ കൊണ്ടാടുവാനും ഹിന്ദുക്കൾക്കു അനുകൂല്യം ചെയ്തുകൊടുക്കണമെന്നാണ് ഈ പ്രമേയത്തിന്റെ ഉദ്ദേശം. ആദ്ധ്യാത്മികജീവിതകാര്യത്തിൽ കേരളീയർക്കു സംസ്കാരം കൈവരുത്തിയതിൽ അച്ഛനോടു സകല കേരളീയനും കടപ്പെട്ടാണിരിക്കുന്നത്. ജാതിഭേദമെന്യേ സകല ജാതിക്കാർക്കും അദ്ദേഹത്തിന്റെ കൃതികളെ, ഭാഷാശുദ്ധികൊണ്ടോ അല്ലെങ്കിൽ ആദ്ധ്യാത്മിക ജീവിതത്തിന്റെ പ്രധാന

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